

***Effective 5/12/2015***

***Superseded 3/28/2016***

**63G-10-403 Department of Transportation bid or request for proposals protest settlement agreement approval and review.**

- (1) As used in this section:
  - (a) "Department" means the Department of Transportation created in Section 72-1-201.
  - (b) "Settlement agreement" includes stipulations, consent decrees, settlement agreements, or other legally binding documents or representations resolving a dispute between the department and another party when the department is required to pay money or required to take legally binding action.
- (2) The department shall obtain the approval of the Transportation Commission or the governor or review by the Legislative Management Committee of a settlement agreement that involves a bid or request for proposal protest in accordance with this section.
- (3) A settlement agreement that is being settled by the department as part of a bid or request for proposal protest, in accordance with Subsection 63G-6a-1602(4), that might cost government entities more than \$100,000 to implement shall be presented to the Transportation Commission for approval or rejection.
- (4) A settlement agreement that is being settled by the department as part of a bid or request for proposal protest, in accordance with Subsection 63G-6a-1602(4), that might cost government entities more than \$500,000 to implement shall be presented:
  - (a) to the Transportation Commission for approval or rejection; and
  - (b) to the governor for approval or rejection.
- (5)
  - (a) A settlement agreement that is being settled by the department as part of a bid or request for proposal protest, in accordance with Subsection 63G-6a-1602(4), that might cost government entities more than \$1,000,000 to implement shall be presented:
    - (i) to the Transportation Commission for approval or rejection;
    - (ii) to the governor for approval or rejection; and
    - (iii) if the settlement agreement is approved by the Transportation Commission and the governor, to the Legislative Management Committee.
  - (b) The Legislative Management Committee may recommend approval or rejection of the settlement agreement.
- (6)
  - (a) The department may not enter into a settlement agreement that resolves a bid or request for proposal protest, in accordance with Subsection 63G-6a-1602(4), that might cost government entities more than \$100,000 to implement until the Transportation Commission has approved the agreement.
  - (b) The department may not enter into a settlement agreement that resolves a bid or request for proposal protest, in accordance with Subsection 63G-6a-1602(4), that might cost government entities more than \$500,000 to implement until the Transportation Commission and the governor have approved the agreement.
  - (c) The department may not enter into a settlement agreement that resolves a bid or request for proposal protest, in accordance with Subsection 63G-6a-1602(4), that might cost government entities more than \$1,000,000 to implement until:
    - (i) the Transportation Commission has approved the agreement;
    - (ii) the governor has approved the agreement; and
    - (iii) the Legislative Management Committee has reviewed the agreement.